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Present: Mayor Naugle
Commissioners Hutchinson, Katz, Moore, and Smith (4:25)

Also Present: City Manager, City Attorney, City Clerk, and Police Sergeant

Mayor Naugle apologized for starting late today due to a joint meeting with the County Commission this afternoon.

OB – Inner City Redevelopment Grant

Mayor Naugle announced that the City, in conjunction with the Broward Alliance, had been awarded a \$145,000 grant for inner city redevelopment from the Office of Tourism, Trade & Economic Development as announced by Governor Bush. Two businesses that had decided to relocate to the City's Enterprise Zone would be receiving the first checks from the grant – Greene Beach Advertising and Air Transport, Inc.

At 4:25 P.M., Commissioner Smith arrived at the meeting.

Mayor Naugle introduced *Mr. Oswaldo Cosco* and *Mr. Vince Johnson*, who were on hand on behalf of the Broward Alliance to present the checks to the representatives of the two companies in question. The two businesses were briefly described, and appreciation for this assistance and for the assistance of those who had made it possible was expressed.

Action: None.

I-A – Historic Preservation Board

A joint meeting with the Historic Preservation Board was scheduled to discuss issues of interest and concern. The City Manager thanked the Board for their patience while the Commission met with the Broward County Commission, but it had been a historic occasion.

Mr. Tom Tatum, Chairman of the Historic Preservation Board, said that the Board had been considering some recommendations over the past few months that could lead to some additional policies and maybe some revision to the historic preservation ordinances in order to fulfill their purposes. He stated that most of the recommendations related to the Sailboat Bend Historic District, but some would have an effect Citywide. Mr. Tatum displayed a chart showing the location of the Sailboat Bend Historic District, which overlaid 7 separate and distinct zoning districts. He said it was this dual Code scenario that experience had shown there was some incompatibility and conflicts with the historic preservation ordinances.

Mr. Tatum stated that there had been a lot of redevelopment in Sailboat Bend, and it was the redevelopment that had highlighted some problems that should be addressed. He advised that most of the Board's work related to Certificates of Appropriateness, and in evaluating those applications, the Board applied the "in harmony, compatible, and appropriate" standard. He explained that the idea was to ensure that structures were in keeping with the character of the district, and another idea was to prevent against "demolition by neglect." Mr. Tatum said the recommendations tried to harmonize existing Code regulations with some of the unique situations that existed in historic districts, particularly Sailboat Bend.

Mr. Tatum felt support for the Historic Preservation Board should be increased to address several areas. The first involved the fact that the existing Code contemplated ongoing studies of historical sites Citywide to identify them on a continuing basis. He explained that there had not been sufficient resources to do that so that when a site that was not designated as historically significant was the subject of demolition or redevelopment, opponents immediately reacted by trying to get it designated as an historic site at the last moment. Mr. Tatum believed studies could eliminate that type of situation throughout the City.

Mr. Tatum said another need was evaluating the existing historical study that had been the basis for current ordinances as well as examining the historic preservation regulations in the Code in order to harmonize and reconcile them. He explained that if the City's purpose was to promote the preservation of these buildings, some more adjustment was necessary between the historic preservation ordinances and the studies. Mr. Tatum thought there might be a need for some additional study to identify other buildings and some of the specific items set forth in the staff report. He noted that the current studies might not address whether or not there was an historical basis to prohibit accessory structures or justify setbacks, for example, in the historic district.

Mr. Tatum stated that another area that was not being addressed today was grants. Staff had advised the Board that there were a number of State and federal grants available for preservation, but there were no resources devoted to obtaining these grants. He felt additional support would result in some additional funding. Mr. Tatum noted that there were 6 recommendations in staff's report, and the first 2 dealt with setbacks and accessory structures, and both of those issues needed further study.

Mr. Tatum advised that density and scale of new development was very important, and issues relating to lot coverage, floor area ratio (FAR), height, and setbacks were critical. He explained that more multi-family buildings were being constructed within the Sailboat Bend Historic District, and the Board had the authority to adjust the requirements to increase lot coverage or reduce setbacks, for example. So, the Board wondered if these types of adjustments should be made or if there should be more restrictive rules as to exactly how much mass should be allowed, particularly in Sailboat Bend.

Mr. Tatum said a conflict often arose between interpretations of an underlying zoning district regulation with a similar provision in the historical code. The Board sought to place the interpretation of historic preservation regulations with the Historic Preservation Board. He advised that the Board was not seeking any authority to grant variances, however. Mr. Tatum said the next item dealt with the serious problem of demolition by neglect. He stated that the Board and Code enforcement staff did as much as possible, but there was a need for more immediate responses to this problem. Mr. Tatum thought some additional help could examine some of the ordinances in use around the country to give cities more power to step in and address these problems. He felt Code enforcement staff needed more tools to address this issue.

Mr. Tatum advised that the last issue involved chain link fences in Sailboat Bend and would require an ordinance amendment, but it was an issue that should be researched to determine if chain link fences were really appropriate in a historic district.

Ms. Cecelia Hollar, Director of Construction Services, agreed a study was needed in order to form a basis as to why this area should be different. She advised that there had been a 30% increase in the applications submitted for historic preservation issues, and additional consultant services were necessary to perform the research and analysis necessary to perform the identified studies and implement the Code changes recommended by the Board. In addition, this would provide for other historic preservation needs such as grant writing and initiating solutions to the problem of demolition by neglect. Ms. Hollar estimated that these consultant activities would cost at least \$85,000 based on the level of work involved and the necessary expertise. Ms. Hollar noted that the contract with the Historical Society was up for renewal in September, and perhaps there could be discussions about how to best utilize resources collectively.

Commissioner Hutchinson agreed additional resources were necessary. Commissioner Smith felt one of the most important tasks was to start identifying historic structures throughout the City. Mayor Naugle noted that all of the historic buildings had been identified, and the Historical Society could perhaps update the existing material. He thought it would be less expensive to update the existing information than it would be to start from scratch. Mayor Naugle noted that although the survey had been done, many of the identified buildings had already been lost, particularly in the beach area.

Commissioner Smith wondered if it would be best to hire an outside consulting firm or “beef up” Ms. Rathburn’s contract. Commissioner Hutchinson wondered if Ms. Rathburn could do all of the consulting work being proposed.

Ms. Joan Mikus, Executive Director of the Historical Society, stated that additional financial support would be necessary to do this work, and she wanted to examine all the issues and present a proposal in September when the contract was considered.

Commissioner Katz thought an economical way to do this might be to accomplish things through the Board of Adjustment, the Planning & Zoning Board, and the Historical Society. As to amending the Code, she noted that she had been working with a group of architects and Florida Atlantic University (FAU), and they had volunteered to examine the ULDR to identify problem areas and conflicts. She thought this effort could be undertaken during that process without hiring extra help. Commissioner Katz expected something to reach the Commission in June, and she did not want to duplicate any processes.

Mr. Tatum said he had failed to mention that there was one aspect of support that really could not be provided by the Historical Society or City departments, as far as he knew, and that was expertise in engineering and architecture when a Certificate of Appropriateness for demolition was presented to the Board. He explained that the issue then was the feasibility of rehabilitating a building. Mr. Tatum stated that engineers and architects who indicated that rehabilitation was not feasible typically represented applicants, but no contrasting view was presented.

Commissioner Katz thought an architect, an engineer or both could be appointed to the Board. Mayor Naugle believed that for someone to render an opinion, a study would have to be conducted. *Ms. Margi Nothard*, Architect, thought it would depend upon the situation, but an engineer would have to consider structural aspects. However, a certain level of historical expertise was also necessary.

Mr. Charles Jordan, Board member, felt surveys were very important, but by the time someone sought a demolition, preservation became much more costly. For example, development rights had to be considered, and he felt it was necessary to "get ahead of the curve." Mr. Jordan explained that if they were "behind the curve," preservation became a lot more expensive. He added that the Board really needed expert testimony, as opposed to expert Board members because they could not provide that testimony without recusing themselves. He felt there should be some central control where people could go and determine what could be done on certain properties.

Commissioner Moore had thought the Historical Society provided these services through its contract. It had been his understanding that the Historical Society reviewed properties, not from an engineering standpoint, but from an architectural viewpoint. Ms. Rathburn stated that she researched the records to determine the history of buildings, but she did not address the condition of buildings. Commissioner Moore understood the missing element was an independent engineer to address the feasibility of rehabilitating buildings. Mr. Jordan wanted to make it clear that Ms. Rathburn's 20 hours of service were consumed in the review of Certificate of Appropriateness applications.

Mayor Naugle thought an engineer could be funded through the application fees. Commissioner Moore agreed that should be part of the application fee. However, he expected the Historical Society to address the architectural aspects. Mayor Naugle suggested an agreement with a firm, or there could even be a rotating pool of individual engineers.

Commissioner Moore agreed a list of historical properties had already been developed, and he suggested a resolution that required the owners to cross certain thresholds before demolition permits could be issued. Ms. Hollar stated that a list had been developed based on the age of buildings, so there was a long list of buildings that were 50 years or older, but there were other aspects that needed to be considered in terms of historical value. Commissioner Moore noted that there might be a property that was 48 years old, for example, that had historical value.

Ms. Hollar explained that the Historical Society would have to bring in additional help to do the 6 items recommended in the back-up memorandum. Mayor Naugle suggested that staff provide a recommendation as to whether the City should issue an RFP or if the additional tasks should be added to the contract with the Historical Society. Commissioner Katz noted that there had been discussion about hiring a grant writer for the City. The City Manager agreed a grant writer was being considered in connection with the new budget.

Commissioner Smith understood that Unsafe Structures & Housing Appeals Board had members who were architects, and it ordered the demolition of buildings based on whether or not a certain value of a building had been destroyed. He believed that was 50% of the value of the building. He wondered if the Historic Preservation Board used a similar benchmark. Mr. Tatum said this was the heart of the demolition by neglect problem because some property owners wanted the Unsafe Structures & Housing Appeals Board to order demolition. Therefore, there was an inherent conflict with historic preservation ordinances that applied a different standard. Commissioner Smith understood the key was identifying historic properties before buildings deteriorated beyond repair.

Commissioner Moore said there were some “shotgun” homes in the northwest area that had been built in Miami in the 1920s. They had been demolished because they were unsafe structures, yet he was sure they’d had historical value. However, there was the community value to be considered as well when there were deteriorated buildings in existence. He understood the goals of preservation, but he did not know how anyone could force someone else to fix up property they owned, and the City had to safeguard the community. The City Attorney advised that the Code required that designated historical properties be kept in good repair on the exterior. Further, the interior also had to be maintained in good repair if it affected the overall structure.

Commissioner Moore wondered how enforcement was addressed. The City Attorney stated that properties could be cited and fined, and this particular portion of the Code incorporated the other provisions of the ULDR and City ordinances, and jail time could ultimately be imposed after prosecution in criminal court. Mr. Jordan stated that Code enforcement policies were set up so that demolition was the greatest “hammer.” One thing the Board had discussed was the possibility that the City could cause necessary repairs to be made so people could not get away with demolition by neglect.

Commissioner Moore was concerned that people would take advantage of a policy in which the City made repairs to their properties. Commissioner Smith agreed, all the City could do to recoup costs was lien properties, but if they were homesteaded, the costs might never be paid. Mayor Naugle did not think Commissioner Moore would have wanted to see the Old Dillard School, for example, demolished rather than saved. Commissioner Moore agreed he would not have wanted that, but there had to be some limitations. He was concerned about potential abuses if the City provided repairs. Mayor Naugle thought the Board could make a determination as to whether or not a building had historical value, and then the Commission could decide if the community should save it by preventing issuance of a demolition permit. Commissioner Moore wished to “distance himself” from that notion.

Mr. Todd Fogel, Board member, stated that the Board was seeking Commission guidance on certain issues such as how long a property owner was allowed to accrue fines while a building deteriorated. Mayor Naugle explained that if a property was homesteaded, the City could not foreclose. Commissioner Moore thought that if people had the opportunity and a property was worth it, they would rehabilitate the building. He did not think it would make sense for the City to invest in repairs if it was not financially feasible to do so. Mr. Fogel stated that there were abandoned homes that were deteriorating in Sailboat Bend, and those could not be Homesteaded if they were vacant. Mayor Naugle agreed there were complex issues involved, and he suggested exploring how other cities were handling these matters.

Mr. Will Law said he had been working in Sailboat Bend, but he lived in Minneapolis. He reported that some communities executed required repairs on historical sites and then assessed the costs through the taxing authority, which put their costs ahead of other lenders. Mayor Naugle thought that might be something with which the City could approach the Legislature. He also felt other cities had the same problems, so this was something all the historical societies could lobby for as a group.

Mayor Naugle suggested that the survey that was done previously be reexamined, and he thought an ordinance amendment could be prepared to create a pool of engineers with the cost included in the application fee for a Certificate of Appropriateness for demolition. He noted that the City Manager was already including a grant writer in the budget, and he could work with the Historical Society to review its duties and provide a recommendation.

Commissioner Moore hoped the Historical Society would consider the grant writing function because he did not want it competing against the City. He thought the grants writer being considered for other functions might not have the necessary expertise for obtaining grants to preserve historical properties.

Mayor Naugle referred to chain link fences. He suggested that the neighborhood provide a drafted resolution, and then it could be reviewed by the Planning & Zoning Board before City Commission consideration. *Mr. John Kleinedler*, President of the Sailboat Bend neighborhood, stated that the neighborhood had agreed that existing chain link fences were acceptable, but they should not be allowed in the future if visible from the street.

Action: As discussed.

At 5:25 P.M., the meeting was recessed. It was reconvened at 5:27 P.M.

I-B – Redevelopment of West Side School Property – Lennar Homes Concept

A presentation was scheduled by Lennar Homes, Inc. on its proposal for the redevelopment of the West Side School property located in the Sailboat Bend neighborhood.

Mr. Bernard Zyfcovich, Architect with Lennar Homes, Inc., displayed an aerial photograph and pointed out the subject site. He stated that as urban designers and architects, Lennar Homes was very sensitive to patterns of development and, in this case, Sailboat Bend had a wonderful scale and pattern of development. Mr. Zyfcovich said there was a huge interruption in the pattern, and the approach to this project had been to develop a continuation of the existing community.

Mr. Zyfcovich explained that connections would be made through Las Olas Boulevard, 4th Street, and 13th Avenue with an internal City-oriented type of street. He stated that one goal was to restore the school, and Lennar Homes was currently in negotiation with Art Space to develop it as a community resource with a quadrant under their purview with housing oriented toward artists. A village atmosphere was proposed with residences right on the streets with the cars kept internal to the center core.

Mr. Zyfcovich stated that the number of units would not exceed 250, and there would be a 2-acre linear park along the River to blend with the school. He advised that the park would be open to those who lived in the village as well as to the rest of the community. Mr. Zyfcovich advised that the development would be open and accessible in order to continue the existing community pattern.

Commissioner Moore inquired about parking for those who wanted to use the green space. Mr. Zyfcovich advised that the intent was not to provide a regional park, but a park frequented by pedestrians who lived in Sailboat Bend. Commissioner Hutchinson believed there was parking on the street. Mr. Zyfcovich agreed there would be lots of parking on the street.

Mr. Zyfcovich said he had been Chairman of the Preservation League in Miami Beach, and he described the "old Florida" look proposed for the rooflines, the porches and balconies. He displayed a visual image of the proposal involving a combination of 2-, 3-, and 4-story buildings, sidewalks, landscaped courtyards, internal parking, and front doors on the street.

Ms. Sue Delegal, Attorney representing Lennar Homes, Inc, stated that Lennar was very interested in presenting a bid to the School Board for acquisition of this site and had prepared a plan it hoped would be amenable to the area. She noted that there was currently a designated CF land use, so rezoning and amendment of the Land Use Plan would be necessary. Therefore, Lennar Homes wanted to ensure that the City was comfortable with the proposal before proceeding further in the process. She realized, however, that the City Commission could not grant approval at this time.

Mayor Naugle did not believe the Commission could take any position on this issue today. Commissioner Katz agreed no commitments could be made. Commissioner Moore inquired about the affordability of the units. *Ms. Lisa Maxwell* stated that the units would be affordable by comparison to other projects. *Mr. Will Law*, of Art Space Projects, said he had been working with the City and the neighborhood for about 2 years to see if the School Board would let the property go for an artist's village concept. He stated that about 60% of the units would be targeted at median income individuals, so it would be quite affordable.

Commissioner Moore thought that was good, but that was only one small segment of the community. He said he was willing to make whatever concessions were necessary if the developer was willing to address affordability in terms of the residential units. *Ms. Maxwell* stated that there were an enormous number of goals to be balanced in the project, but the price would be lower than the existing market price in the downtown area. She did not know if that would meet the criteria related to low- and moderate-income people at this time, however.

At 5:42 P.M., Commissioner Smith left the meeting.

Mr. John Kleinedler, President of Sailboat Bend, reported that Lennar and Art Space had been the only entities that had come forward and worked with the neighborhood to meet its demands. On a personal note, he thought this would be a phenomenal development.

Commissioner Hutchinson understood several hundred request for proposals had been sent out by the School Board, yet this was the only group that had worked with the neighborhood. Although nothing could be approved today, she wondered if conceptual approval could be granted. She had attended all of the meetings in this regard, and there was a dialogue here that she did not see all the time. Commissioner Hutchinson liked the concept. Mayor Naugle said he would rely heavily on the District Commissioner and take the neighborhood's response into consideration.

Ms. Maxwell stated that the developer would have to rely heavily on a development agreement Ms. Delegal said she had considered the concept of preparing a development agreement and wondered if the Commission would be interested in that idea. Mayor Naugle did not believe an agreement could be considered until after all of the required public hearings.

At 5:44 P.M., Commissioner Smith returned to the meeting.

The City Manager stated that anything that might be included in a development agreement would also have to be offered to any other proposers.

Action: None.

I-C – Riverwalk Design for South Side of New River

A presentation was scheduled on the proposed Riverwalk design on the south side of New River, between 3rd Avenue and the Tunnel.

Action: Approved.

I-D – Road Closures for Major Development Construction

A discussion was scheduled on road closures for construction of major developments in the City.

Action: Deferred to June 5, 2001.

I-E – Request for Proposals (RFP) – State Legislative Lobbyist

A discussion was scheduled about the proposed RFP for state legislative lobbyist services.

Action: Deferred to June 5, 2001.

At 5:47 P.M., the meeting was recessed for an Executive Closed Door Session regarding litigation strategy in connection with Josephine Rhodes v City of Fort Lauderdale (Case No. 00-014310[04]). It was reconvened at 9:37 P.M.

III-B – Advisory Board Vacancies

Action: See Regular Minutes, this date.

IV – City Commission Reports

1. **Drainage in River Oaks**

Commissioner Hutchinson reported that the River Oaks drainage project had made it through the House and the Senate, and she hoped the Governor would not veto the project. She asked that a letter be sent to the Governor. Mayor Naugle asked the City Manager to prepare a letter for his signature.

Action: Staff to prepare letter to Governor.

Meeting adjourned at 9:40 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.